

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

M WAIKIKI LLC,

Plaintiff,

- against -

MARRIOTT HOTEL SERVICES, INC., I.S.
INTERNATIONAL, LLC, AND IAN SCHRAGER,

Defendants.

No. 11 Civ. 06488 (BSJ)

(Removed from the Supreme Court
for the State of New York, County of
New York Index No. 651457/2011)

**ORAL ARGUMENT
REQUESTED**

MARRIOT HOTEL SERVICES, INC.,

Counterclaim Plaintiff,

- against -

M WAIKIKI LLC,

Counterclaim Defendant.

**DEFENDANTS I.S. INTERNATIONAL, LLC'S AND IAN SCHRAGER'S
NOTICE OF MOTION FOR ABSTENTION, REMAND, AND COSTS**

PLEASE TAKE NOTICE that, upon the accompanying Affidavit of Robert A. Weiner and the exhibits annexed thereto, and Memorandum of Law, Defendants I.S. International, LLC and Ian Schrager (the "Schrager Defendants"), by their undersigned attorneys, will move this Court, before the Honorable Barbara S. Jones, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an Order abstaining from hearing this case and remanding it to the New York State Supreme Court pursuant to 28 U.S.C. § 1334(c)(2), or, in the alternative 28 U.S.C. §§ 1334(c)(1) and 1452(b), and awarding the Schrager Defendants their

costs, expenses, and attorneys' fees incurred in making this motion pursuant to 28 U.S.C. § 1447(c).

PLEASE TAKE FURTHER NOTICE that, in accordance with Rule 6.1(b) the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, any opposing affidavits and answering memoranda of law shall be filed within fourteen days after the service of this motion.

Dated: New York, New York.
October 17, 2011

Respectfully submitted,

McDermott Will & Emery LLP
340 Madison Avenue
New York, New York 10173-1922
Tel: (212) 547-5400
Fax: (212) 547-5444

By: Robert A. Weiner
Robert A. Weiner
Michael R. Huttenlocher

*Attorneys for Defendants
I.S. International LLC and Ian Schrager*